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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,200	06/08/2000	Simon G. Thompson	36-1494	9948

7590

12/20/2002

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EXAMINER

NAHAR, QAMRUN

ART UNIT

PAPER NUMBER

2124

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/589,200

Applicant(s)

THOMPSON ET AL. *TR*

Examiner

Qamrun Nahar

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 June 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other:

### DETAILED ACTION

1. Claims 1-10 have been examined.

#### *Priority*

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in European Patent Office on 11/08/99. It is noted, however, that applicant has not filed a certified copy of the 99308863.2 application as required by 35 U.S.C. 119(b).

#### *Drawings*

3. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### *Specification*

4. The abstract of the disclosure is objected to because the label "Figure 1" should not be in the abstract. Correction is required. See MPEP § 608.01(b).
5. The disclosure is objected to because of the following informalities: "Aspect Orientated Process Engineering" on pg.1, par. 5, line 2 of the specification should be "Aspect Oriented Process Engineering".

Appropriate correction is required.

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6. The disclosure is objected to because of the following informalities: "instal" on pg.2, par. 2, line 8 of the specification should be "install".

Appropriate correction is required.

7. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

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***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ernst (U.S. 5,890,133).

**Per Claim 1:**

The Ernst patent discloses:

- **a method of generating a process plan** (“a method and a device for the dynamic optimization of business processes” in abstract)
- **storing at least one generic process plan** (“The stored information is the starting basis for the optimization of the business processes” in column 3, lines 43-44)
- **storing at least one non-generic process element containing a predetermined pattern** (“The collection of the parameters must be first defined; the selection of parameters is typically ruled by predetermined business targets ... processing data is collected and stored” in column 3, lines 15-20 and Fig. 1, items 102 and 104)

- **searching said at least one generic process plan for the predetermined pattern contained by at least one non-generic process element** (“Identification of a business process instance with propitious result data is carried out with a view of selecting favorable level settings of the business process instance. Level settings indicate the various implementations of the parameters of a business process instance” in column 3, lines 28-33 and Fig. 1, items 101-105)

- **on detection of the predetermined pattern, inserting content from said at least one non-generic process element into the generic process plan to generate a process plan** (“the real occurring processes enter their parameters directly into the starting basis” in column 3, lines 50-52 and Fig. 1, items 105-108)

- **outputting the generated process plan** (“each completed business process instance enters its parameters, processing and result data into the starting basis ... updated with actual data” in column 4, lines 10-15).

**Per Claim 2:**

The Ernst patent discloses:

- **the steps of receiving for storage at least one generic process plan and receiving for storage at least one non-generic process element** (column 3, lines 15-20 and lines 43-44, storage is inherent).

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**Per Claim 3:**

The Ernst patent discloses:

- each stored generic process plan is indexed in accordance with a goal to be achieved by the plan (column 8, lines 34-38)
- receiving a goal input (column 7, lines 66-67 to column 8, lines 1-6)
- selecting a generic process plan for searching, said selection being in accordance with the received goal input (column 8, lines 7-11).

**Per Claim 4:**

The Ernst patent discloses:

- at least one non-generic process element comprises resource information (column 6, lines 46-50)
- identifying one or more resources to support a process step in a generated process plan (column 6, lines 46-50 and Fig. 1, item 103).

**Per Claim 5:**

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The Ernst patent discloses:

- each stored non-generic process element comprising resource information is indexed in accordance with one or more relevant resources (column 6, lines 46-53).

**Per Claim 6:**

The Ernst patent discloses:

- at least one inserted process element comprises data (column 4, lines 10-15).

**Per Claim 7:**

The Ernst patent discloses:

- at least one non-generic process element comprises context specific method data (column 6, lines 46-50)
- indexed for storage according to the relevant context (column 6, lines 46-53).

**Per Claim 8:**

The Ernst patent discloses:



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- the context for at least one non-generic process element is service type (column 7, lines 51-56).

**Per Claim 9:**

The Ernst patent discloses:

- the context for at least one non-generic process element is customer type (column 8, line 1).

**Per Claim 10:**

This is an apparatus version of the claimed method discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above.

Thus, accordingly, this claim also would have been anticipated by Ernst.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (703) 305-7699. The examiner can normally be reached on Mondays through Thursdays from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone number for the organization where this application or processing is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

QN  
December 9, 2002

*Kakali Chaki*

KAKALI CHAKI  
SUPERVISORY PATENT EXAMINER  
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